

DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT

Caption in Compliance with D.N.J. LBR 9004-1(b)

Courtney R Shed, Esq. - 414442023
GROSS POLOWY LLC
Formed in the State of Delaware
95 Mount Bethel Road, Suite 3
Warren, NJ 07059
(716) 204-1700
E-mail: cshed@grosspolowy.com
Attorneys for Creditor Rushmore Servicing as
servicer for Lakeview Loan Servicing, LLC

In Re:

TYREASE DOWNING

Debtor(s).



Order Filed on August 21, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 23-11438-jnp

Judge: Jerrold N. Poslusny, Jr.

Chapter: 13

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: August 21, 2024

A handwritten signature in black ink, appearing to read "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: Rushmore Servicing as servicer for Lakeview Loan Servicing, LLC
Applicant's Counsel: GROSS POLOWY LLC - Courtney R Shed, Esq. - 414442023
Debtor's Counsel: Moshe Rothenberg, Esq.
Property Involved ("Collateral"): 1829 Greenwillows Drive, Vineland, NJ 08361
Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to Dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 4 months, from 05/01/2024 to 08/01/2024.
- ☒ The Debtor is overdue for 4 payments of \$1,701.99 per month, from 05/01/2024 to 08/01/2024.
- ☒ Applicant acknowledges suspense funds in the amount of \$1,063.30 received.

Total Arrearages Due \$5,744.66.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Beginning on 09/01/2024, regular monthly mortgage payments shall continue to be made in the amount of \$1,701.99.
- ☒ Beginning on 09/15/2024, additionally monthly cure payments shall be made in the amount of \$957.46 for 1 month.
- ☒ Beginning on 10/15/2024, additionally monthly cure payments shall be made in the amount of \$957.44 for 5 months.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate Payment

☒ Regular Monthly Payment

Rushmore Servicing
PO Box 619094
Dallas, TX 75067

☒ Monthly Cure Payment

Rushmore Servicing
PO Box 619094
Dallas, TX 75067

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney's fees of \$200.00.

The Fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

In re:
Tyrease U Downing
Debtor

Case No. 23-11438-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Aug 22, 2024

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 24, 2024:

Recip ID	Recipient Name and Address
db	Tyrease U Downing, 1829 Greenwillows Drive, Vineland, NJ 08361-6010

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).
NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.
NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 24, 2024 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 22, 2024 at the address(es) listed below:

Name	Email Address
Andrew B Finberg	ecfmail@standingtrustee.com ecf.mail_9022@mg.bkdocs.us
Courtney R. Shed	on behalf of Creditor Rushmore Mortgage Servicing as servicing agent for Lakeview Loan Servicing LLC cshed@grosspolowy.com, ecfnofices@grosspolowy.com
Courtney R. Shed	on behalf of Creditor Lakeview Loan Servicing LLC cshed@grosspolowy.com ecfnofices@grosspolowy.com
Courtney R. Shed	on behalf of Creditor Nationstar Mortgage LLC as servicing agent for Lakeview Loan Servicing LLC cshed@grosspolowy.com, ecfnofices@grosspolowy.com
Denise E. Carlon	on behalf of Creditor Lakeview Loan Servicing LLC dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Elizabeth L. Wassall	on behalf of Creditor Lakeview Loan Servicing LLC enote vesting-- Nationstar Mortgage LLC ewassall@logs.com, njbankruptcynotifications@logs.com;logsecf@logs.com
Elizabeth L. Wassall	on behalf of Creditor Lakeview Loan Servicing LLC ewassall@logs.com njbankruptcynotifications@logs.com;logsecf@logs.com

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Aug 22, 2024

Form ID: pdf903

Total Noticed: 1

Isabel C. Balboa

on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com

Moshe Rothenberg

on behalf of Debtor Tyrease U Downing moshe@mosherothenberg.com
alyson@mosherothenberg.com; ajohn880@gmail.com; rothenberg.mosheb128149@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10